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Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

April 3, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Sheryl L. Walter
Acting Assistant Attorney General

SUBJECT: Weekly Report for April 2, 2002 - April 6, 2001

THE WEEK AHEAD

Roadless Rule: On Wednesday, April 4, you are meeting with Senator Cantwell regarding the Roadless Area Conservation Rule, promulgated by the Forest Service in January which DOJ is currently defending in court. (Pearlman)

Nominations: The Senate Judiciary Committee has scheduled a hearing on the nominations of Larry Thompson, to be Deputy Attorney General, and Ted Olson, to be Solicitor General, for April 5. Both nominees are meeting with the Committee members this week in preparation for their hearings. (Scott-Finan)

Money Laundering - Argentina: The Office of International Affairs of the Criminal Division and OLA are facilitating response to a request, pursuant to a Mutual Legal Assistance Treaty, by the Government of Argentina to the Senate Government Affairs Permanent Subcommittee on Investigations for certain documents obtained by the Subcommittee pursuant to its subpoena powers in connection with an investigation of international money laundering. We also are working with the Subcommittee on appropriately addressing a non-treaty request by the Argentina legislative branch for the same documents. (Tanner)

Migration Task Force: On March 30, OLA, ODAG, INS, and the State Department staff provided House and Senate Judiciary staff information and agenda items regarding the Migration Task Force chaired by the Attorney General and Secretary of State. The first task force meeting is scheduled for April 4, 2001. The purpose of this meeting is to receive thoughts and feedback from Hill staff and Members regarding the agenda and goals of the task force. (Miller)

D. C. Issues: On April 3, Bureau of Prisons Director Kathy Hawk Sawyer is testifying before the House D.C. Appropriations Subcommittee about the closure of Lorton Prison and transfer of D.C.

sentenced felons to the federal prison system. Both Donald Horton, U.S. Marshal for the District of Columbia, and Todd Dillard, U.S. Marshal for D.C. Superior Court will also testify about their operations. Additionally, U.S. Attorney for the District of Columbia Wilma Lewis will be testifying on April 4 on the issue of scheduling of court appearances for officers of the Metropolitan Police Department, including officerless papering and night papering. (Scott-Finan)

THE WEEK IN REVIEW

Unborn Victims of Violence: On March 28th, the House Judiciary Committee reported H.R. 503 without amendment. It is expected that a Unanimous Consent will be agreed to on the House floor to allow the filing of the bill report over the April recess. It is anticipated that the legislation will be considered by the full House during May, under a rule, with possibility for amendments on the Floor. The Department still has not been contacted for comment. (D. Burton)

Juvenile Justice Bill: On March 28, the House Judiciary Committee reported this bill, with a substitute amendment, by voice vote. The substitute contained several technical changes that we had suggested. We expect it to move quickly to the House floor on suspension, and are working with bipartisan Judiciary staff to craft a manager's amendment with some additional technical adjustments.

[REDACTED] (Owen)

FOIA EXEMPTION (b)5

Southwest Border - Illegal Drugs: On March 29, the Crime Subcommittee of the House Committee on the Judiciary conducted a hearing on drug trafficking on the Southwest border. DEA Administrator Donnie Marshall testified. (Tanner)

Medical Marijuana: On March 27, the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the House Committee on Government Reform held a hearing on issues related to medical marijuana. Laura Nagel, DEA Assistant Administrator, Office of Diversion Control, testified. (Tanner)

[REDACTED] (F. Burton)

FOIA EXEMPTION (b)5

Radiation Exposure Compensation Act: On March 28, staff from OLA and the Civil Division met with staff from the Senate Judiciary Committee and discussed technical amendments that need to be made to the RECA program, as well as to discuss other ideas for amending the program. (Pearlman)

False Claims Act: On March 26, staff from the Criminal Division, Executive Office for United States Attorneys and OLA met with staff from the House Commerce Committee and discussed the use of criminal sanctions in health care fraud cases. (Pearlman)

Spam Bills: The House Energy and Commerce Committee held a mark up on a spam bill (H.R. 718) on March 28. (Spam is unsolicited, usually bulk commercial, electronic mail.) A substitute amendment offered by Representative Wilson was unanimously adopted by voice vote. The Department had significant concerns about the bill (particularly the criminal provisions) in the last Congress and will probably have some concerns about H.R. 718. Although Representative Wilson has stated publicly that she would like to bring the bill up under suspension on the House floor soon, the House Judiciary Committee also has jurisdiction, and the Department has made its preliminary concerns known to that Committee. A Senate alternative has now been introduced by Senators Burns and Wyden (S. 630). The Department has been asked to give its views on this bill. Both bills are now being circulated within the Department and we expect to generate a views letter on each. (Owen)

Bankruptcy: On March 15, the Senate passed the bankruptcy bill, 83-15, with one voting present. The House passed the measure on March 1. Since there are differences between the House and Senate bills, there will need to be a conference. Republican leadership had hopes that the conference would proceed quickly, however, progress has been slowed while the Republican and Democratic leadership work out an agreement regarding representation on conference committees. It appears, at this time, that the conference will not meet before the Spring recess. (Wilson)

SW Border - Prescription Drugs: We are continuing to coordinate efforts of Customs, FDA/HHS, and interested components in this Department (DEA, ODAG, EOUSA and OLA) in addressing concerns of the House Commerce Committee regarding possible abuse of the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357, which allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. (Tanner)